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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,137	10/20/2000	Raj Bridgehall	A33367-072797.0130	7845
21003	7590	02/13/2004	EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			NGUYEN, DAVID Q	
		ART UNIT		PAPER NUMBER
		2681		
DATE MAILED: 02/13/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

APPLICATION NO.	FILING DATE	TYPE OF COMMUNICATION	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,137	10/20/2000	OFFICE ACTION	A33367-072797.0130	7845
RE: BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				

UNITED STATES PATENT AND TRADEMARK OFFICE  
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PTO-90C (Rev. 10/03) *8*

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/693,137	BRIDGEHALL, RAJ
<b>Examiner</b>	<b>Art Unit</b>	
David Q Nguyen	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 November 2003.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6,9-11 and 13 is/are rejected.
- 7) Claim(s) 7 and 8 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- \* a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____                                     |

## **DETAILED ACTION**

1. The indicated allowability of claims 1-9 are withdrawn in view of the newly discovered reference(s) to Bursztejn et al. (US Patent Number 6459688). Rejections based on the newly cited reference(s) follow.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-11 and 13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Bursztejn et al. (US Patent Number 6459688).

Regarding claim 1, Bursztejn et al. disclose a method for operating a dual-mode mobile unit arranged to transmit and receive signals using first and second wireless protocols comprising: operating said mobile unit under said first wireless protocol (see col. 8, lines 33-51);

reserving a transmission time interval in a frame of said first wireless protocol (see col. 8, lines 43-51); operating said mobile unit under said second wireless protocol during said reserved time interval (see col. 8, lines 43-51).

Regarding claim 4, Bursztejn et al. also disclose wherein said operating said mobile unit under said second wireless protocol comprises operating said mobile unit under said second wireless protocol to act as a master unit for at least one slave unit operating under said second wireless protocol, reserving a transmission time interval in a frame of said first wireless protocol and controlling said slave unit using said second wireless protocol to transmit using said second wireless protocol during said reserved time interval (see col. 8, lines 43-51 and abstract).

4. Claims 9-11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Young (US Patent Number 6643522).

Regarding claim 9, Young discloses a method for operating a dual mode mobile unit comprising: providing a first transmitter for operation using a first wireless protocol and responsive to first protocol baseband signals (see abstract and fig. 5; col. 5, lines 6 to col. 7, line 6); providing a first receiver for operation using a first wireless protocol and providing output first protocol baseband signals (see abstract and fig. 5; col. 5, lines 6 to col. 7, line 6); providing a second transmitter for operation using a second wireless protocol and responsive to first protocol baseband signals (see abstract and fig. 5; col. 5, lines 6 to col. 7, line 6); providing a second receiver for operation using a first wireless protocol and providing output second protocol baseband signals (see abstract and fig. 5; col. 5, lines 6 to col. 7, line 6); providing a digital processor programmed to process signals for said first and second protocols, responsive to received digital signals in a first protocol frame format and providing output digital transmission

signals in said first protocol frame format (see abstract and fig. 5; col. 5, lines 6 to col. 7, line 6); converting said output first and second protocol baseband signals to said received digital signals in said first protocol frame format (see abstract and fig. 5; col. 5, lines 6 to col. 7, line 6); converting said output digital transmission signals from the first protocol frame format to said first or second protocol baseband signals to said received digital signals (see abstract and fig. 5; col. 5, lines 6 to col. 7, line 6).

Regarding claim 10, Young discloses a dual mobile unit for operating according to first and second wireless protocols comprising first and second RF modules, respectively for transmitting and receiving signals according to first and second wireless protocols, and each responsive to baseband signals for transmission and providing output baseband signals on reception (see abstract and fig. 5; col. 5, lines 6 to col. 7, line 6); a digital processor responsive to received digital signals for processing said digital signals according to one of said first and second protocols (see abstract and fig. 5; col. 5, lines 6 to col. 7, line 6); an interface unit for receiving baseband signals from said first and second RF modules and supplying corresponding digital signals to said processor, and for receiving digital signals from said processor and supplying first and second corresponding baseband signals to said first and second RF module respectively (see abstract and fig. 5; col. 5, lines 6 to col. 7, line 6).

Regarding claim 11, Young also discloses said processor controls said interface unit to send and receive signals to and from said first second RF modules (see abstract and fig. 5; col. 5, lines 6 to col. 7, line 6).

Regarding claim 13, Young discloses a dual mobile unit for operating according to first and second wireless protocols, comprising: first and second RF modules, respectively for

transmitting and receiving signals according to first and second wireless protocols, and each responsive to baseband signals on reception (see abstract and fig. 5; col. 5, lines 6 to col. 7, line 6); a digital processor responsive to received digital signals for processing said digital signals according to one of said first and second protocols (see abstract and fig. 5; col. 5, lines 6 to col. 7, line 6); and an interface unit for receiving baseband signals from said first and second RF modules and supplying corresponding digital signals to said processor (see abstract and fig. 5; col. 5, lines 6 to col. 7, line 6), and for receiving digital signals from said processor and supplying first and second corresponding baseband signals to said first and second RF modules respectively (see abstract and fig. 5; col. 5, lines 6 to col. 7, line 6), wherein said interface unit receives output baseband signals from said second RF module and supplies said corresponding digital signals to said digital processor in a first protocol frame format (see abstract and fig. 5; col. 5, lines 6 to col. 7, line 6), and receives digital signals from said digital processor in said first protocol frame format and supplies corresponding baseband signals to said second RF module according to said second wireless protocol (see abstract and fig. 5; col. 5, lines 6 to col. 7, line 6).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3 and 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Bursztejn et al. (US Patent Number 6459688) in view of Malcolm et al. (US Patent Number 5781540).

Regarding claims 2 and 5, the method of Bursztejn et al. fails to disclose operating said mobile unit to transmit using said first wireless protocol during an initial portion of said reserved time interval. However, Malcolm et al disclose operating said mobile unit to transmit during an initial portion of said reserved time interval (see col. 9, lines 44-67). It is apparent one skilled in the art that combination of Malcolm et al with Bursztejn et al. would incorporate operating said mobile unit to transmit using said first wireless protocol during an initial portion of said reserved time interval. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Malcolm et al to Bursztejn et al. in order to interchange signals according with a protocol serving the mobile unit.

Regarding claims 3 and 6, the method of Bursztejn et al. in view of Malcolm et al also discloses operating said mobile unit to transmit using said first wireless protocol during a terminal portion of said reserved time interval (see col. 9, lines 44-67 of Malcolm et al and explanation of claim 2).

#### *Allowable Subject Matter*

6. Claims 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 7-8, the prior arts are silent to disclose said reserving transmission time is repeated at a selected duty cycle, as specified in claim 7.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 703-605-4254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

DN  
David Nguyen

  
SINH TRAN  
PRIMARY EXAMINER